

Message Text

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ACTION SCI-06

INFO OCT-01 EUR-25 EA-11 NEA-14 IO-14 ISO-00 NAS-01 PM-07

EB-11 ACDA-19 L-03 CIAE-00 DODE-00 INR-11 NSAE-00

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R 290816Z AUG 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4981

INFO AEC GERMANTOWN

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

USMISSION EC BRUSSELS

USMISSION GENEVA

C O N F I D E N T I A L IAEA VIENNA 7510

E.O. 11652: GDS

TAGS: TECH, PARM, PORG, IAEA

SUBJECT: IAEA-SPONSORED SCIENTIFIC VISITS FOR INDIAN NATIONALS

REF: STATE 165341

1. RE PARA 4 REFTTEL, WHILE NUMBER OF INDIVIDUAL AGENCY STAFF MEMBERS ARE CLEARLY NOT RPT NOT HAPPY ABOUT SITUATION, AGENCY SECRETARIAT UNFORTUNATELY IS UNABLE UNDER PRESENT CIRCUMSTANCES TO REFUSE OPENLY TO AWARD IAEA FELLOWSHIPS OR SCIENTIFIC VISITS TO QUALIFIED INDIAN (OR ANY OTHER NATIONALITY) APPLICANTS IN ANY FIELD RELATED TO PEACEFUL USES OF NUCLEAR ENERGY, NOR TO DISCONTINUE FACILITATING SUCH TRAINING BY REFERRING THEM TO ANY MEMBER STATE WILLING TO ACCEPT THEM FOR ANY TYPE OF TRAINING OR STUDY WHICH DOES NOT RPT NOT ON ITS FACE FURTHER A MILITARY PURPOSE. (SEE PAGES CONFIDENTIAL

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9-15 OF BOOKLET "IAEA SERVICES AND ASSISTANCE" FOR

DESCRIPTION OF PROCEDURES FOR PROVISION OF ASSISTANCE BY AGENCY AND TERMS AND CONDITIONS UNDER WHICH SUCH ASSISTANCE IS PROVIDED.)

2. STATES RECEIVING ASSISTANCE PROVIDED BY IAEA OR THROUGH IT MUST, IN AN AGREEMENT WITH AGENCY, UNDERTAKE THAT SUCH ASSISTANCE "SHALL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE." UP TO PRESENT, EXACT DEFINITION OF WHAT THIS UNDERTAKING MAY PRECLUDE HAS NEVER BEEN REACHED BY IAEA SECRETARIAT. AS REPORTED VARIOUS SEPTELS, AGENCY SECRETARIAT IS CURRENTLY WORKING ON LEGAL OPINION THAT THIS SAME PHRASE, WHEN USED IN CONNECTION WITH APPLICATION OF SAFEGUARDS BY AGENCY, CLEARLY PRECLUDES USE OF SAFEGUARDED ITEMS IN CONNECTION WITH DEVELOPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICES. WHEN AND IF THIS INTERPRETATION IS PUBLICIZED AND ACCEPTED BY AGENCY (WITH OR WITHOUT FIGHT OVER IT IN BOARD), IT IS LIKELY THAT IT WILL ALSO HAVE A BEARING ON AGREEMENTS RELATING TO PROVISION OF IAEA ASSISTANCE BETWEEN AGENCY AND A RECIPIENT STATE; SECRETARIAT LEGAL DIVISION HAS ADVISED US INFORMALLY THAT IT IS THEIR CURRENT WORKING LEVEL VIEW THAT INTERPRETATION WHICH RELATED TO APPLICATION OF SAFEGUARDS WOULD RPT WOULD ALSO APPLY TO ANY OTHER AGREEMENT TO WHICH AGENCY IS PARTY IN WHICH SAME PHRASE IS USED. THIS COULD, OF COURSE, AT LATER DATE AFFECT PARTICULAR QUESTION OF IAEA CONTINUING TO OFFER TRAINING OPPORTUNITIES TO INDIAN SCIENTISTS IN AREAS SUCH AS CHEMICAL REPROCESSING, PLUTONIUM FABRICATION, ETC., IN VIEW INDIAN NUCLEAR EXPLOSION. MISSION IS STUDYING THIS ASPECT OF QUESTION FURTHER.

3. REGARDLESS OF WHETHER AGENCY FINDS IT POSSIBLE TO CURTAIL TRAINING OF INDIAN SCIENTISTS IN CERTAIN FIELDS DUE TO SPECIAL SITUATION CREATED BY INDIAN NUCLEAR EXPLOSION, HOWEVER, MISSION NOTES THAT THERE ARE STILL SEVERAL GENERAL QUESTIONS WHICH WOULD REMAIN UNSETTLED WITH RESPECT TO PROVISION OF ASSISTANCE BY AGENCY FROM NON-PROLIFERATION STANDPOINT, PARTICULARLY IN FIELDS OF NUCLEAR TECHNOLOGY WHICH CAN BE DIRECTLY APPLICABLE, INTER ALIA, TO A POTENTIAL NUCLEAR EXPLOSIVE DEVELOPMENT

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PROGRAM. (E.G., TO DATE, SAFEGUARDS HAVE NEVER BEEN INVOLVED IN AGENCY TECHNICAL ASSISTANCE PROGRAM, DESPITE FAIR AMOUNT OF AGENCY ASSISTANCE PROVIDED IN SUCH AREAS OF NUCLEAR TECHNOLOGY TO COUNTRIES NOT RPT NOT PARTY TO NPT AND ALL OF WHOSE NUCLEAR FACILITIES MAY NOT RPT NOT BE OTHERWISE SUBJECT TO APPLICATION OF AGENCY SAFEGUARDS.) ACCORDINGLY, AT SOME POINT IN TIME AFTER QUESTION OF INTERPRETATION DISCUSSED ABOVE IN CONNECTION

WITH SAFEGUARDS IS RESOLVED, WE BELIEVE IT MAY BECOME NECESSARY TO HAVE BOARD OF GOVERNORS FURTHER CONSIDER ESTABLISHMENT OF SPECIFIC CONDITIONS, E.G., SAFEGUARDS, IN CONNECTION WITH MEETING REQUESTS FOR CERTAIN TYPES OF ASSISTANCE PROVIDED BY OR THROUGH IAEA.

4. WE HAVE BEEN GIVING CONSIDERABLE THOUGHT TO THIS OVERALL PROBLEM OVER PAST YEAR OR SO, BUT IN VIEW OF FACT THAT BOARD HAS BEEN SEIZED WITH OTHER SERIOUS PROBLEMS RELATED TO AGENCY'S ASSISTANCE PROGRAMS, I.E., FINANCING OF TECHNICAL ASSISTANCE AND TARGET FOR VOLUNTARY CONTRIBUTIONS ISSUES, WE CONCLUDED THAT IT WOULD BE BEST NOT TO RAISE THIS PROBLEM FOR TIME BEING, FOR FEAR OF JEOPARDIZING OUR POSITION ON THESE ISSUES. MATTER IS BECOMING MORE URGENT, HOWEVER, IN WAKE OF INDIAN NUCLEAR TEST AND REACTIONS TO IT BY SOME OTHER COUNTRIES, AND IT MAY WELL BE THAT WE WILL NO RPT NO LONGER HAVE THE LUXURY OF BEING ABLE TO PICK THE TIME OURSELVES AS TO EXACTLY WHEN AND HOW THIS MATTER SHOULD BE RAISED. ACCORDINGLY, WE WILL BE STUDYING MATTER FURTHER IN DETAIL AND WILL PROVIDE SOME SPECIFIC RECOMMENDATIONS AT LATER DATE FOR POSSIBLE FUTURE ACTIONS TO DEAL WITH THIS PROBLEM. WE WILL ALSO WISH TO DISCUSS MATTER WITH MEMBERS OF USDEL TO GENERAL CONFERENCE WHILE THEY ARE IN VIENNA NEXT MONTH. PORTER

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